



City of Marietta

205 Lawrence Street
Post Office Box 609
Marietta, Georgia 30061

Meeting Summary CITY COUNCIL

R. Steve Tumlin, Mayor
Annette Paige Lewis, Ward 1
Griffin "Grif" L. Chalfant, Jr., Ward 2
Johnny Sinclair, Ward 3
Irvan A. "Van" Pearlberg, Ward 4
Rev. Anthony C. Coleman, Ward 5
James W. King, Ward 6
Philip M. Goldstein, Ward 7

Wednesday, February 8, 2012

7:00 PM

Council Chamber

20120114 Municipal Court Judge

Swearing in of Municipal Court Judge Robert J. Grayson.

Oath Administered

20120067 Proclamation - Mr. Charles Ferguson

Presentation of a Proclamation to Mr. Charles Ferguson in celebration of Black History Month.

Presented

* **20120091 Regular Meeting - January 11, 2012**

Review and approval of the January 11, 2012 regular meeting minutes.

Approved and Finalized

20120113 Ethics Committee Mayor Appointment

Appointment of Arthur D. Vaughn to the Ethics Committee for a term of two years, to fill the expiring term of Warren Herron. The appointment shall be effective March 10, 2012 and expiring March 10, 2014.

Appointment Made by the Mayor

* **20120097 Approval of Acquisition and Settlement**

Motion to Approve Acquisition and Settlement Regarding 16 Hedges Street in order to approve a final purchase price of \$205,000 subject to the final approval of the City Manager and City Attorney of the final documentation in the court case.

Approved and Finalized

* **20120111 Denial of Claim**

Denial of Claim of Crestwood Park Apartments.

Approved and Finalized

* **20120112 Denial of Claim**

Denial of the claim of Clinton Skipper.

Approved and Finalized

* **20120062 2012-02 Detailed Plan Manget Phase I (Revised)**

Motion to approve the Revised Detailed Plan for Manget Phase I located in Land Lots 1287 & 1288, District 16, 2nd Section, Marietta, Cobb County, Georgia. The purpose of this revision is to:

1. Reduce seven (7) townhome parcels, previously identified as T15 - T21, to five townhome parcels, to be identified as T15 - T19.
2. Convert six (6) single family parcels, previously identified as SF22 - SF27, to three (3) single family parcels identified as SF25 - SF27.
3. As a result, the total number of units approved for the Manget Phase I will be reduced by five (5) units, from 75 to 70, and the total number of units approved for the entire Manget development will be reduce by five (5) units, from 265 to 260.

Approved and Finalized

* **20120063 2012-03 Final Plat Manget Phase I (Revised)**

Motion to approve the Revised Final Plat for Manget Phase I located in Land Lots 1287 & 1288, District 16, 2nd Section, Marietta, Cobb County, Georgia. The purpose of this revision is to:

1. Reduce seven (7) townhome parcels, previously identified as T15 - T21, to five townhome parcels, to be identified as T15 - T19.
2. Convert six (6) single family parcels, previously identified as SF22 - SF27, to three (3) single family parcels identified as SF25 - SF27.

As a result, the total number of units approved for the Manget Phase I will be reduced by five (5) units, from 75 to 70, and the total number of units approved for the entire Manget development will be reduce by five (5) units, from 265 to 260.

Approved and Finalized

* **20120047 2012 Street Closure Requests**

Motion approving the closure of various streets throughout 2012 to accommodate the Glover Park Concert Series, Taste of Marietta, May-retta Daze, Marietta Police Motorcycle Ride for Special Olympics, Cobb Heart Walk, Juneteenth,

Fourth in the Park Parade and Festival, Labor Day Fine Art Show (Art in the Park), Antique Street Festival, Marietta Reads, Harvest Square Arts and Crafts Show/Halloween Happenings, MUST Ministries Gobble Jog, and the Marietta Farmer's Market.

Approved and Finalized

* **20120058 Roswell Street Streetscape Livable Centers Initiative Project Phase I.**

Motion authorizing the appropriation of the unused fund balance in the 1994 SPLOST to be used by Public Works as matching funds for the Roswell Street Streetscape Livable Centers Initiative Project Phase I.

Council member Goldstein disclosed that PMG 358 Roswell Street, LLC owns the property at 358 Roswell Street, Marietta GA 30060. He is the owner of said entity and from his understanding; no monies from this item will go towards the streetscape touching the property on the south side of Roswell Street as that has already been done in front of that address on the south side of the street.

Approved and Finalized

* **20120059 Wellstar Health System Easement**

Motion authorizing an easement allowing Wellstar Health System to install and maintain a way finding sign within the Dickson Avenue right of way as shown on the attached drawings for Wellstar Health System, provided by CDH Partners. Sign must comply with all applicable ordinances and processes not otherwise addressed in this motion. Approval is subject to approval of final easement, location, and indemnification agreement(s) by the City Attorney and Public Works Director.

Approved and Finalized

* **20110982 V2011-33 [Variance] Traton Homes (Rockford Township) Land Lots 00360, 00370, and 00380, District 19.**

Motion to approve the following variances for property located in Land Lots 00360, 00370, and 00380, District 19 and being known as Rockford Township. Variance to reduce the total number of street trees required to be planted in the front yards of the development from 169 to 148 (as shown on the attached Tree Replacement Plan for Rockford Township, date stamped Feb. 3, 2012), in lieu of the requirements for planted border areas listed under Table G-1. [Section 712.08 (G)(2)(a)]; with the following stipulations:

1. The sidewalk previously approved to be located along the eastern side of Rockmann Lane will be located along the western side of Rockmann Lane, so as to preserve the existing trees on the Smith-Manning House property.
2. No tree replacement will be required for the unintentional loss of any trees

identified on the Tree Replacement Plan.

3. No disturbance or construction activities, such as vehicle or material storage, shall encroach upon the critical root zone for designated tree save areas, which shall include no less than the total area beneath the canopy drip line of the tree(s). Further, prior to any land disturbance, active tree protective fencing must be installed to protect the critical root zone.

Mayor Tumlin disclosed that in 2009 political contributions were reported from Traton and its principals in the aggregate of over \$250. Also, Smith, Tumlin, McCurley & Patrick, P.C., represented Mr. John Elliott in the sale and separation of the Smith Manning property.

Council member Sinclair disclosed that in 2009 he received a political contribution of greater than \$250 from Mr. Bill Poston of Traton Corporation. Also, he sold Mr. Will Etheredge, the neighboring property owner at the Smith Manning House, his house. In addition, he was the listing agent at Rockford for Mr. John Elliott, the previous owner, in his capacity as a Realtor at Harry Norman Realtors, but the project went bankrupt before they sold anything.

V2011-33 [Variance] Traton Homes (Rockford Township) Land Lots 00360, 00370, and 00380, District 19.

Motion to approve the following variances for property located in Land Lots 00360, 00370, and 00380, District 19 and being known as Rockford Township. Variance to reduce the total number of street trees required to be planted in the front yards of the development from 169 to 148 (as shown on the attached Tree Replacement Plan for Rockford Township, date stamped Feb. 3, 2012), in lieu of the requirements for planted border areas listed under Table G-1. [Section 712.08 (G)(2)(a)]; with the following stipulations:

- 1. The sidewalk previously approved to be located along the eastern side of Rockmann Lane and the northern side of Rockmann Terrace will be relocated along the western side of Rockmann Lane and the southern side of Rockmann Terrace, so as to preserve the existing trees on the Smith-Manning House property.*
- 2. No tree replacement will be required for the unintentional loss of any trees identified on the Tree Replacement Plan.*
- 3. No disturbance or construction activities, such as vehicle or material storage, shall encroach upon the critical root zone for designated tree save areas, which shall include no less than the total area beneath the canopy drip line of the tree(s). Further, prior to any land disturbance, active tree protective fencing must be installed to protect the critical root zone.*
- 4. The Tree Replacement Plan for Rockford Township, date stamped Feb. 3, 2012, is approved with adjustment to Detention Area 2, by moving eleven (11) evergreen trees from the rear and placing eight (8) evergreen trees in the rear of Lot #20 and three (3) evergreen trees near the outlet structure on Detention Area 1.*

Approved as Stipulated

* 20120127

Acquisition of Property

Motion to approve purchase and sale agreement between Abbott Products, Inc. as

Seller and the City of Marietta as Purchaser regarding the purchase of 15.5 acres, more or less, for the price of \$1,236,000.00 per the terms of the contract on file with the City Clerk's office. This motion authorizes minor changes to the agreement as approved by the Chief of the Fire Department, the City Manager and the City Attorney

Approved and Finalized

* 20120128

Budget Amendment

Request for approval of an ordinance amending the Fiscal Year 2012 budget to appropriate unused fund balance in the 1994 SPLOST Funds to use as matching funds for the Roswell Street Streetscape Livable Centers Initiative Project Phase I.

Approved and Finalized

* 20120129

Donation of Landscape Easement - 595 Roswell Street

Motion accepting donation of permanent landscaping easement at 595 Roswell Street from Corn Enterprises for planting trees and landscaping enhancements.

Mayor Tumlin disclosed that his firm represented the owners of this property in this matter.

Approved and Finalized

20120115

Charter Review Commission

Motion to create a "Charter Review Commission" with a suggested composition of a City wide cross section of Marietta Citizens, a liaison representative from Cobb Delegation, and professional expertise from Carl Vision Institute and Georgia Municipal Association. To meet within the definition of the Open Meetings Act for a period of not less than six months and not more than a year.

Removed

20120125

Opinions of the Ethics Committee

Motion to amend the city Ethics Ordinance related to the Ethics Committee rendering opinions.

Removed

* 20120092

BLW Actions of February 6, 2012

Review and approval of the February 6, 2012 actions and minutes of the Marietta Board of Lights and Water.

Approved and Finalized